

COSTS OF REVIEWS FOR CONVEYANCES UNDER
EDUCATION LAND GRANT ACT

SEPTEMBER 26, 2002.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3802]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3802) to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3802 is to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

BACKGROUND AND NEED FOR LEGISLATION

The 106th Congress enacted the Education Land Grant Act that allows the USDA Forest Service to convey up to 80 acres of National Forest System Land to school districts. This land would be used to renovate, expand or construct school facilities. Prior to this act, the Bureau of Land Management had similar authority to convey public land to school districts.

The Education Land Grant Act requires that land to be conveyed be identified for disposal in a Land and Resource Management Plan (Forest Plan). The act also states that a conveyance shall be for a nominal cost and that the cost of the survey shall be borne by the applicant. Survey costs can vary, depending on differences in the survey, such as distance to known corners and complexity of the boundary. The Forest Service has recently published an in-

terim manual direction in the Federal Register; requiring school districts make a nominal payment of \$10 per acre.

Both the conveyance of land under this act and the forest plan amendment requires an environmental analysis under the National Environmental Policy Act. The act and the interim Forest Service manual are silent on who bears the cost of the environmental analysis. H.R. 3802 will require the Forest Service to bear the full cost of environmental analysis.

COMMITTEE ACTION

H.R. 3802 was introduced on February 27, 2002 by Mr. Hayworth. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On June 20, 2002, the Subcommittee held a hearing on the bill. On September 12, 2002, the Full Resources Committee met to consider the bill. The Subcommittee on Forests and Forest Health was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 24, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3802, a bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3802—A bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that act

Upon written application, the Education Land Grant Act authorizes the Secretary of Agriculture to convey federal lands to school districts at nominal cost. The act specifies that applicants must pay for any surveys required to complete such conveyances. H.R. 3802 would amend that act to require the Secretary of Agriculture to pay for such surveys. CBO estimates that implementing H.R. 3802 would cost less than \$500,000 in fiscal year 2003, assuming the availability of appropriated funds. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

By requiring the Secretary to pay for surveys, H.R. 3802 would increase federal costs to complete conveyances under the Education Land Grant Act. The magnitude of that increase would depend on the number of school districts that apply for conveyances under that act. According to the Forest Service, only one such conveyance has occurred since land transfers were authorized in 2000, and a few applications are pending. Based on information from the Forest Service, CBO estimates that the cost of the required surveys averages \$250,000 per application. Based on the current level of program activity, CBO estimates that implementing H.R. 3802 would cost up to \$1 million a year, depending on the number of applications and assuming the availability of appropriated funds.

H.R. 3802 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit local school districts that receive land under the Education Land Grant Act.

The CBO staff contacts for this estimate are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact).

This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

SECTION 202 OF THE EDUCATION LAND GRANT ACT

SEC. 202. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) * * *

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(f) *COSTS OF REVIEW.*—*The Secretary shall pay the costs of all action required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to any conveyance under this section.*